

Michael Patrick Rooney (SBN. 248491)  
 MICHAEL ROONEY LAW OFFICE  
 580 California St. Fl. 16  
 San Francisco, CA 94104  
 Tel: (415) 533-0282  
 Fax: (415) 704-3321

Attorney for Plaintiff  
 PETRA A. MARTINEZ

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

PETRA A. MARTINEZ,

Plaintiff,

v.

AMERICA'S WHOLESALE LENDER, *et al.*,

Defendants.

CASE NO.: 3-09-CIV-5630WHA

**REQUEST FOR JUDICIAL NOTICE  
 (PURSUANT TO FRE 201)**

*[Filed concurrently with Plaintiff's  
 Opposition to Defendants' Motion for  
 Summary Judgment]*

Department: 450 Golden Gate Ave.  
 San Francisco, CA 94102  
 Courtroom 9, 19th Floor

Judge: Hon. William Alsup

Date: March 4, 2010

Time: 8:00 a.m.

1. Plaintiff requests judicial notice of the Transcript of Proceedings before this court in the above-referenced case on Thursday, January 14, 2010 at 8:00 o'clock under FRE 803(8) and FRE 901(7), which I obtained directly from the court reporter in this case. I certify that a true and correct copy is attached at Exhibit 1.

2. Plaintiff requests judicial notice of an excerpt from Defendant Countrywide's SEC filing known as, "CWMBBS 2006-HYB4 - PROSPECTUS SUPPLEMENT", specifically that portion

1 indexed as "Summary". The request is under under FRE 803(8) and FRE 901(7). I obtained the  
 2 attached copy directly from the SEC website located at  
 3 [http://www.sec.gov/Archives/edgar/data/906410/000119312506121823/d424b5.htm#suptx64379\\_1](http://www.sec.gov/Archives/edgar/data/906410/000119312506121823/d424b5.htm#suptx64379_1)  
 4  
 5 . I certify that a true and correct copy is attached at Exhibit 2.

6 3. Plaintiff requests judicial notice of an excerpt from Defendant Countrywide's SEC filing  
 7 known as, "CWMBBS Mmortgage PAss-Through Trust 8-K for 5/30/06, Exh. 99-1, Miscellaneous  
 8 Exhibit", specifically, the portion known as PSA 2.01-1. This request is made under FRE 803(8)  
 9 and 901(7) I obtained the attached copy directly from the SEC website located at  
 10 [http://www.sec.gov/Archives/edgar/data/1362460/000090514806004352/efc6-](http://www.sec.gov/Archives/edgar/data/1362460/000090514806004352/efc6-1751_5878313ex991.txt)  
 11  
 12 [1751\\_5878313ex991.txt](http://www.sec.gov/Archives/edgar/data/1362460/000090514806004352/efc6-1751_5878313ex991.txt). I certify that a true and correct copy is attached at Exhibit 3.

13 4. Plaintiff requests judicial notice of an excerpt from Defendant Countrywide's SEC filing  
 14 known as, " CWMBBS 2006-HYB4 - PROSPECTUS SUPPLEMENT" Specifically, that portion  
 15 indexed as "Assignment of the Mortgage Loans." This request is made under FRE 803(8); 901(7). I  
 16 obtained the attached copy directly from the SEC website located at  
 17 [http://www.sec.gov/Archives/edgar/data/906410/000119312506121823/d424b5.htm#suptx64379\\_6](http://www.sec.gov/Archives/edgar/data/906410/000119312506121823/d424b5.htm#suptx64379_6)  
 18  
 19 . I certify that a true and correct copy is attached at Exhibit 4.

20 5. Plaintiff requests judicial notice of an official publication by the Uniform Commercial  
 21 Code Committee of the National Bankruptcy Institute entitled "Where's The Note, Who's The  
 22 Holder: Enforcement Of Promissory Note Secured By Real Estate" By Hon. Samuel L. Bufford  
 23 United States Bankruptcy Judge, Central District Of California, And (Formerly Hon.) R. Glen  
 24 Ayers, which was obtained from the website of Langley & Banack, Inc. at  
 25 [http://74.125.95.132/search?q=cache:PS0gaF1EeWAJ:www.langleyanack.com/admin/newsfiles/A](http://74.125.95.132/search?q=cache:PS0gaF1EeWAJ:www.langleyanack.com/admin/newsfiles/Ayers%2520ABI%2520-20090212-)  
 26  
 27 [yers%2520ABI%2520-20090212-](http://74.125.95.132/search?q=cache:PS0gaF1EeWAJ:www.langleyanack.com/admin/newsfiles/Ayers%2520ABI%2520-20090212-)  
 28  
 29  
 30

1 113015.DOC+wheres+the+note+whos+the+holder&cd=3&hl=en&ct=clnk&gl=us. I certify that  
2 attached is a true and correct copy is attached at Exhibit 5.

3  
4 6. Plaintiff requests judicial notice of a periodical article published by the New York Times  
5 under FRE 902(6), entitled "Lender Tells Judge it 'Recreated' Letters" a true and correct copy is  
6 attached at exhibit 6, which I obtained from:

7  
8 [http://www.nytimes.com/2008/01/08/business/08lend.html?\\_r=1&ref=business&pagewanted=all](http://www.nytimes.com/2008/01/08/business/08lend.html?_r=1&ref=business&pagewanted=all).

9  
10 I swear the above to be true and correct under the penalty of perjury.

11 Dated: February 11, 2010

Respectfully submitted,

12  
13 By: \_\_\_\_\_/S/  
14 Michael Patrick Rooney, Esq.  
15 Attorney for Plaintiff PETRA A. MARTINEZ  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

MICHAEL ROONEY LAW OFFICE  
580 California Street FL 16  
San Francisco, CA 94104